6. (Amended) Combined preparation according to claim 3, characterized in that the inhibitors of the lipid metabolism are bisphosphonic acid derivatives, in particular clodron acid derivatives, etidron acid derivatives, pamidron acid derivatives, in particular pamidronat, ibandron acid derivatives, in particular ibandronate, alendron acid derivatives, in particular alendronate, zoledron acid derivatives, in particular zoledronat, risedron acid derivatives, tiludron acid derivatives and cimadron acid derivatives.

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REMARKS

I. Status of the Application

Claims 1-23 are pending herein. Claim 6 has been amended to depend from claim 3.

The present Office action alleges that the above-captioned application lacks unity of invention under 37 C.F.R. §1.475. The Office action maintains that the inventions or groups of inventions enumerated in the Office action mailed March 15, 2002 as Groups II-XII do not relate to a single general inventive concept under PCT Rule 13.1 because they allegedly lack the same or corresponding special technical features. Applicant appreciates the indication that Group IX (wherein A is an oxazole compound) will be included with Group VI.

The Office action notes that Claims 1, 2 and 21 are generic.

II. Election

Applicant hereby confirms the election with traverse, for prosecution herein, of the species of Group II, Group VI (together with Group IX) and Group XII.

Applicant hereby elects alendronate as set forth in claim 6 as a specific squalene synthetase inhibitor.

Applicant also hereby elects fosmidomycin as a specific phosphorus containing compound. Applicant notes that fosmidomycin also known as 3-(N-Formyl N-hydroxyamino) propylphosphonic acid is a phosphorus compound pursuant to claim 7 wherein formula (I) defined in claim 7 is substituted with the following groups:

R_{I1} = acyl, i.e. formyl;

R_{I2} = OH;

R_{I3}=OH;

R_{I4} = OH; and

A_I = alkylene, i.e. propylene.

As noted above, claim 6 has been amended to depend from claim 3. Accordingly, since the Office action notes that the claims of Group I (Claims 1 and 2) will be examined along with the elected Groups, Applicant submits that claims 1-3, 6-15, 17, 20 and 21 are readable on the elected Groups.

As noted in the Office action, Claims 1-2 are drawn to compositions that include:

A. An anti-infectious active agent that inhibits the 2C-methylerythrose-4 metabolic pathway; and

B. A lipid metabolism inhibitor.

In respect of component B, Group II has been elected. Group II is drawn to the compositions of Group I in which the lipid metabolism inhibitor is a squalene synthetase inhibitor. In light of the above-noted amendment of claim 6, it is respectfully submitted that all of the compositions of Groups II and V clearly have the same special technical feature and therefore should be regarded as being so linked as to form a single general inventive concept under PCT Rule 13.1. Indeed, the requirement set forth in the Office action mailed June 25,

2002 for the election of a specific species of squalene synthetase inhibitor found in claim 6 (Group V) mandates that the Group V claims be examined together with the Group II claims. It also means that, contrary to the Office actions mailed March 15 and June 25, 2002, claim 6 is a generic claim.

In respect of component A, Group VI (together with Group IX) has been elected. Group VI (together with Group IX) is drawn to the compositions of Group I in which the anti-infectious agent is a phosphorus containing compound. In response to the requirement for the election of a specific phosphorus containing compound, Applicant has elected the species of fosmidomycin of claim 7. This requirement means that, contrary to the Office actions mailed March 15 and June 25, 2002, claim 7 is a generic claim.

Indeed, the requirement for the election of a specific squalene synthetase inhibitor and a specific phosphorous containing compound means that all of claims 1-23 are generic. It is respectfully requested that the record of this application be corrected to indicate this fact.

Applicant hereby incorporates by reference and repeats the remarks set forth in the Response filed on April 15, 2002.

In view of the foregoing remarks and the remarks incorporated herein from the Response filed April 15, 2002, it is respectfully submitted that the application contains groups of inventions which are so linked as to form a single general inventive concept under PCT Rule 13.1. Accordingly, it is requested that the unity of invention objection be withdrawn. If, however, the Examiner maintains as final the unity of invention objection, Applicant will take the position that the Examiner has admitted one species to be patentable over the other, and that any prior art must be closer to the elected species than the non-elected species to render the elected species unpatentable.

III. Conclusion

It is believed that all matters set forth in the Office action have been addressed. Favorable consideration and an early indication of the allowability of the elected claims are respectfully requested. Should the Examiner deem that an interview with Applicant's undersigned attorney would expedite consideration of the elected claims, or if any further election of species is required, the Examiner is encouraged pursuant to MPEP § 812.01 to call the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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ATTACHMENT A

MARKED UP VERSION OF AMENDMENTS TO CLAIMS

6. (Amended) Combined preparation according to claim [2] 3, characterized in that the inhibitors of the lipid metabolism are bisphosphonic acid [derivative] derivatives, in particular clodron acid derivatives, etidron acid derivatives, pamidron acid derivatives, in particular pamidronat, ibandron acid derivatives, in particular ibandronate, alendron acid derivatives, in particular alendronate, zoledron acid derivatives, in particular zoledronat, risedron acid derivatives, tiludron acid derivatives and cimadron acid derivatives.